



## Rule Review Checklist Addendum

**This form is to be used only if the rule was previously reviewed, and has not been amended subsequent to that review.**

Document(s) Reviewed: **WAC 458-20-249 Artistic or cultural organizations**

Date last reviewed: **October 28, 1999**

Reviewer: **Gayle Carlson**

Date current review completed: **February 13, 2004**

Briefly explain the subject matter of the document(s):

**This rule explains the B&O tax deductions and the retail sales and use tax exemptions for artistic and cultural organizations. It also lists the conditions that must be met by organizations in order to qualify for these deductions and exemptions. The rule includes an explanation of the statutory requirements that must be met to qualify as an "artistic or cultural organization." Examples of items that qualify and those that do not qualify are provided. A tax exempt certification format to use for purchasing retail sales tax exempt objects is described.**

Type an "X" in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

### 1. Public requests for review:

YES	NO	
	<b>X</b>	Is this document being reviewed at this time because of a public (e.g., taxpayer or business association) request?

If "yes," provide the name of the taxpayer/business association and a brief explanation of the issues raised in the request.

### 2. Related statutes, interpretive and/or policy statements, court decisions, BTA decisions, and WTDs: (Excise Tax Advisories (ETAs), Property Tax Advisories (PTAs), and Interim Audit Guidelines (IAGs) are considered interpretive and/or policy statements.)

YES	NO	
	<b>X</b>	Are there any statutory changes subsequent to the previous review of this rule that should be incorporated?
	<b>X</b>	Are there any interpretive or policy statements not identified in the previous review of this rule that should be incorporated? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	<b>X</b>	Are there any interpretive or policy statements that should be repealed because the information is currently included in this or another rule, or the information is incorrect or not needed? (An Ancillary Document Review



		Supplement should be completed for each and submitted with this completed form.)
	X	Are there any Board of Tax Appeals (BTA) decisions, court decisions, or Attorney General Opinions (AGOs) subsequent to the previous review of this rule that provide information that should be incorporated into this rule?
X		Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) subsequent to the previous review of this rule that provide information that should be incorporated into the rule?
	X	Are there any changes to the recommendations in the previous review of this rule with respect to any of the types of documents noted above? (An Ancillary Document Review Supplement should be completed if any changes are recommended with respect to an interpretive or policy statement.)

If the answer is “yes” to any of the questions above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

- **Since the last review Determination No. 01-104 (22 WTD 157 Public Estate Garden) and the reconsideration 01-104ER (22 WTD 163) have been published. When the rule is next revised, information from these decisions could be incorporated into this rule.**

**3. Additional information:** Identify any additional issues (other than those noted above or in the previous review) that should be addressed or incorporated into the rule. Note here if you believe the rule can be rewritten and reorganized in a more clear and concise manner.

- **The rule is written in a clear and understandable manner. When next revised, the paragraph pertaining to tax changes effective July 1, 1985 can be removed. Also, the description for a written statement for qualified buyers to provide to vendors can be deleted in favor of a reference to the "Buyers' Retail Sales Tax Exemption Certificate."**

**4. Listing of documents reviewed:** The reviewer need identify only those documents that were not listed in the previous review of the rule(s). Use “bullets” with any lists, and include documents discussed above. Citations to statutes, interpretive or policy statements, and similar documents should include titles. Citations to Attorney General Opinions (AGOs) and court, Board of Tax Appeals (BTA), and Appeals Division (WTD) decisions should be followed by a brief description (i.e., a phrase or sentence) of the pertinent issue(s).

Statute(s) Implemented: **Tax statutes specific to artistic and cultural organizations include:**

- **RCW 82.04.4322 Deductions - Artistic or cultural organization - Compensation from United States, state, etc., for artistic or cultural exhibitions, performances, or programs.**
- **RCW 82.04.4324 Deductions - Artistic or cultural organization - Deduction for tax under RCW 82.04.240 - Value of articles for use in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs.**
- **RCW 82.04.4326 Deductions - Artistic or cultural organizations - Tuition charges for attending artistic or cultural education programs.**



- **RCW 82.04.4327 Deductions - Artistic and cultural organizations - Income from business activities.**
- **RCW 82.04.4328 "Artistic or cultural organization" defined.**
- **RCW 82.08.031 Exemptions - Sales to artistic or cultural organizations of certain objects acquired for exhibition or presentation.**
- **RCW 82.12.031 Exemptions - Use by artistic or cultural organizations of certain objects.**

Interpretive and/or policy statements (e.g., ETAs, PTAs, and IAGs): **None.**

Court Decisions: **None.**

Board of Tax Appeals Decisions (BTAs): **None.**

Appeals Division Decisions (WTDs):

- **Det. 01-104, 22 WTD 157 - Artistic & Cultural Organizations B&O, Retail Sales and Use Taxes Exemptions - Public Estate Garden.**
- **Det. 04-104ER, 22 WTD 163 - Reconsideration of 22 WTD 157.**

Attorney General Opinions (AGOs): **None.**

Other Documents (e.g., special notices or Tax Topic articles, statutes or regulations administered by other agencies or government entities, statutes, rules, or other documents that were reviewed but were not specifically relevant to the subject matter of the document being reviewed):

- **WAC 458-20-102 Resale Certificates.**
- **WAC 458-20-169 Non-Profit Organizations.**
- **WAC 458-20-248 Sales of Precious Metal Bullion and Monetized Bullion.**
- **Special Notice - New Buyers' Retail Sales Tax Exemption Certificate, dated November 8, 1999.**

##### **5. Review Recommendation:**

- ☐ **Amend**
- ☐ **Repeal/Cancel** (Appropriate when action is not conditioned upon another rule-making action or issuance of an interpretive or policy statement.)
- ☒ **Leave as is** (Appropriate even if the recommendation is to incorporate the current information into another rule.)
- ☐ **Begin the rule-making process for possible revision.** (Applies only when the Department has received a petition to revise a rule.)

**The rule does not require revision at this time. It is clear, concise, and provides necessary information from the statute. When the rule is next revised the paragraph pertaining to tax changes effective July 1, 1985, should be removed. Also, the description for a written statement for qualified buyers to provide to vendors could be deleted, and a reference made to the "Buyers' Retail Sales Tax Exemption Certificate."**



**6. Manager action:** Date: February 19, 2004

AL Reviewed and accepted recommendation

Amendment priority (to be completed by manager):

     1  
     2  
     3  
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